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the latter date, the Council of Safety gave place to the new Council of State, its successor under the new state constitution and the first part of whose records are likewise published in this volume for the first time. Everywhere are evidences of the minute and accurate scholarship of the editor. The print is excellent and the pages are not encumbered or disfigured with notes, such as are necessary being combined together on a leaf following the preface. Marginal references indicate the sources of the documents appearing in the volume and whether originals or copies. Two indexes accompany the volume, one to names of persons and places, the other to letters. These are quite complete, but we note the absence of the serviceable "Topical Index" which occurs in earlier volumes, and for the absence of which no explanation is given.

J. WM. BLACK.

Constitutional Studies, State and Federal. By JAMES SCHOULER, LL.D. (New York: Dodd, Mead and Co. 1897. Pp. 332.)

IN this volume Mr. Schouler has sought "to trace the origin and progress of those political ideas which have become dominant and fundamental in American government." He bases his thesis on the colonial charters, the state constitutions and the Constitution of the United States, with frequent reference to leading decisions of the courts. The book contains the substance of lectures delivered before the graduate students of the Johns Hopkins University during the years 1893-1896.

Like other books by Mr. Schouler, this is badly written. It is unfortunate that a man so learned as Mr. Schouler will not or cannot say a plain thing plainly. The book from cover to cover is a blur of thought and expression. This is severe language, but it is fully warranted by these constitutional studies. Much of the fault in form and language might be avoided if Mr. Schouler would employ a skillful reader to revise his manuscript for the press. Mr. Schouler seems never to have heard of that law stated by Herbert Spencer in his *Philosophy of Style*: "To so present ideas that they may be apprehended with the least possible mental effort."

It is rarely that academic lectures are worth printing. They usually contain much elementary matter familiar to general readers, and seldom any special information. If they do not smell of the lamp they smell of the class-room, and it is an odor fatal to a book. Contributions to knowledge may take the form of lectures to university students. Blackstone and Dicey at once occur to the mind as such contributors, but theirs is the art of expressing technical knowledge in readable form. Dicey's English is as clear as Cardinal Newman's. The only hope that a writer and publisher of college lectures can have is to express his ideas in a piece of literature; then it will be read even though its contents are already familiar to persons of ordinary information.

In Part I. Mr. Schouler briefly reviews the early charters in order to show that they recognized the fundamental civil rights of the colonists. This is rather broad construction, but it is the usually accepted American

interpretation of these royal grants. Probably no other set of royal permits has had such a mass of political theory read into them. Mr. Schouler is satisfied with an interpretation of the language of these documents; he has nothing to say of the economic necessities of the colonists which dictated a political practice equal in authority with the charters and at last supplanted them. Mr. Schouler has told us nothing new and has omitted to tell us much that is deducible from colonial legislation and practice and from no other source. A slight examination of the acts of assemblies down to 1776 would have enabled Mr. Schouler to make this portion of his volume of interest to specialists. Part II. discusses the federal union. Here familiar information is given, such as may be heard in any college in the country that offers a course in American history. His chapter on the federal union is in substance a paraphrase of the national constitution, supported by citations of leading cases in the Supreme Court. Such a treatment of the subject may be heard in most senior classes now-a-days. His account of the "Early Tendencies to Union" omits reference to eight of the early federal plans, and fails to distinguish between the two distinct principles that underlay all the plans: the principle of a military and that of a civil system. He fails to show that it was the supremacy of the civil over the military authority that distinguished the system ultimately adopted in this country.

It is difficult now to add anything new to the traditional discussion of the national instrument. But Mr. Schouler might have varied the treatment by showing the economic importance of the constitution among the various plans of government which the world has tried. His adherence to a merely legal exposition, and that elementary, accounts doubtless for the omission. But it is precisely as an industrial opportunity that the national constitution is chiefly important. It is an outline of a plan of government to secure industrial as well as political rights. This is not suggested by Mr. Schouler. Perhaps the omission is due to changes in constitutional studies which have escaped his attention. The old law-school treatment of the constitution has quite disappeared from university instruction. Government is an organism, not a mere compact. The fate of humanity rests with a greater power than a court of law. No one will presume to dispute the authority of the court; but we also know that the constitution is interpreted by other agencies. Mr. Schouler gives no hint of that mass of industrial exposition, recorded in part in the legislation of the country, and in larger measure in the practice of the people. The American Union is more than a mere agreement among lawyers; it is an organic union and the constitution takes its meaning from the will of the organism. Even as a legal exposition of the constitution this by Mr. Schouler does not excel that to be found in elementary text-books on civil government.

In Part III. Mr. Schouler discusses the state constitutions since 1789; those prior are discussed in Part I. Mr. Schouler is to be commended for including these instruments in his lectures. They are usually omitted in collegiate instruction. He finds the text of most of them in

Poore, *i. e.*, down to 1876. His discussion is in the nature of a catalogue of facts gleaned from the texts themselves. He tells what terms of office, what suffrage qualifications, what limitations of legislative power, what executive powers are set forth in these instruments. But as in other parts of his lectures, he fails to tell what the fairly well-informed man wants to know. There is no hint of the method of constitutional development which these constitutions illustrate. Not a reference is given to the only source of information on the making of these supreme laws: the debates, journals and documents of the constitutional conventions. Nor is there any account of the acts of assembly which ultimately are incorporated in these constitutions. Mr. Schouler has made an interesting but incomplete tabulation of facts from the texts of these instruments, but he fails to clothe these facts with living tissue. The effect of this inadequate treatment is apparent. It robs the book of all interest to the specialist and lessens its general value to the student.

Probably Mr. Schouler has never made an exhaustive study of the state constitutions. At least this is an inference from his treatment of them. The field has been but slightly cultivated, and much in the extent but not in the style of Mr. Schouler. The forty-five states have adopted one hundred and twelve constitutions. The journals, debates and documents containing the official record of their formation comprise about four hundred volumes. The number of pamphlets is great. Upwards of six hundred may be found devoted to the Rhode Island constitution of 1842. It may be said, however, that the number in other states does not present so serious an inverse proportion to the size of the state. In addition to documents and pamphlets there is a mass of legislation bearing on representation, the franchise, terms of office, distribution of powers, education, public institutions, taxation, corporations and public lands scattered through the volumes of state laws. These volumes number about four thousand.

Mr. Schouler's discussion of these state constitutions amounts to little more than an arbitrary classification of the instruments. Some belong to the "Era of Federalism;" others to the "Republican Era;" the "Era of Peaceful Development;" the "Era of Strife;" the era of "Civil War and Reconstruction;" and the "New Era." All this is fanciful and easy and is quite such a division as a writer makes when he touches a theme slightly and for the first time.

Mr. Schouler might have shown that the state constitutions are the record, both conscious and unconscious, of the evolution of popular government in America. They closely represent the efforts of the American people to secure what, from time to time, they have considered their "rights;" and by rights is to be understood far more than the formulation in technical language of terms of office, salaries, and civil qualifications. Behind this mass of form is the struggle of the people to have life and property protected and to secure the opportunity to make a living. Of these patient and sometimes unsuccessful efforts, Mr. Schouler gives slight accounts.

However helpful these lectures may have been to the students to whom they were originally delivered, they contain little that warrants their publication. A perusal of them compels the conclusion that they are commonplace and badly written.

F. N. T.

Recent events in the East have been of such a character as to arouse a keen interest in all matters pertaining to Mohanmedanism, so that there was a special timeliness in the lectures of Professor Henry Preserved Smith delivered at the Union Theological School last spring on the Ely foundation. These lectures, ten in number, Professor Smith has published under the title *The Bible and Islam, or the Influence of the Old and New Testaments on the Religion of Mohammed* (New York, Charles Scribner's Sons, pp. 319). The titles of these lectures are, respectively, as follows: The Apostle of Allah, The Common Basis in Heathenism, The Koran Narratives, The Doctrine of God, The Divine Government, Revelation and Prophecy, Sin and Salvation, The Service of God, The Future Life, Church and State.

Professor Smith is fully aware "that the Islam of to-day is in many respects different from the Islam which emerged from the wilderness twelve centuries ago," and, therefore, he limits himself to a consideration of its beginnings and still further to an examination of the influence which Judaism and Christianity have exercised upon it. It is Professor Smith's conclusion that Mohammed owes the impulse which fired his soul to Christianity and not to Judaism. Reference must be made to the book itself for the arguments advanced by the author in support of his position. The spirit in which he has conducted his investigations is admirable. He has made good use of his sources, and, while the subject is such that there would inevitably be a difference of opinion as to conclusions in some matters of detail, the book may be recommended as a valuable account of those aspects of Islam with which it deals. The usefulness of the work would be increased by the addition of an analytical index, and indexes of passages quoted from the Bible and the Koran.

J. R. J.

Mr. Arthur Hassall's *Handbook of European History, 476-1871* (New York, The Macmillan Co., pp. 383), is the result of an effort to do for European history what Acland and Ransome's *Outlines* does for English history, and the arrangement would seem to have been suggested by the plan of that book. The outlines are arranged chronologically in four parallel columns, two larger ones for Germany and France, respectively, a smaller one for England, and a similar one for Eastern, Southern and Northern Europe. The column for France leaves little to be desired: that for England, considering the space devoted to it, is also satisfactory, though for England alone one will still find Acland and Ransome much more useful. The column headed Germany is made to do duty for the whole of German Europe, and occasionally for other countries where Ger-